III. REMARKS

1. Claims 1, 19, 25, 42, 45 and 51 are amended.

2. An interview was held with the Examiner on 11 December 2009. Although an agreement with respect to the claims and any allowable subject matter was not reached, specific provisions of the Brenner reference were discussed in light of Applicant's claimed subject matter and the proposed amendments. While the Examiner did indicate that another search would be required, it appeared that the proposed amendments, may overcome the rejection based on Brenner, particularly in light of the statements in paragraph 0026 of Brenner that instrument definitions used for lighting cannot otherwise be used or defined.

3. Claims 1-13, 15, 16, 20-25, 27-32, 34, 35, 37, 38, 45-51 and 53-54 are not anticipated by Brenner et al. ("Brenner")(US Pat. Pub. 2004/0139842) under 35 USC §102(e).

Brenner relates to an audio format file that incorporates lighting control commands and audio control commands. Brenner explicitly discloses that an instrument definition is assigned to each light grouping. Commands are received, where each command is associated with an instrument definition (patch number). If the instrument definition corresponds to an instrument associated with a light grouping, the illumination of the light grouping is controlled. (See e.g. Abstract, para. 0039.)

In Brenner, a determination is made as to whether the "command" is for an "instrument definition" of the one or more "light groupings". If yes, the illumination of the lights is controlled. If the "command" does not correspond to a "instrument definition" assigned to a "light grouping", the available output is controlled. (See e.g. FIG. 4, steps 410 to 430).

Thus, what Brenner discloses is that in order to control the illumination of lights, the "command" must correspond or be associated with an "instrument definition" that is

assigned to a light grouping. (Paras. 0025-0026). Thus, a MIDI file is embedded with lighting controls by associating "instrument definitions" to light groupings, where the "instrument number" is associated with a patch number, with 128 patch numbers per bank, such as bank 7A. (Para. 0026).

In Brenner, the same MIDI event cannot control **both** the activation of the lights and the notes, as is the case in Applicant's claimed subject matter. Rather, Brenner requires two separate MIDI events, one that includes a command associated with an instrument definition for a light grouping to control the illumination of lights, and another MIDI event that includes a command associated with an instrument definition for a note to be played. (See e.g. FIG. 4 and the accompanying description.)

In this regard, Brenner explicitly states, in para. 0026, that "the MIDI files with embedded lighting controls would generally not interfere with devices incapable of displaying lighting effects, so long as the instrument definitions which are used for lighting **are not otherwise used or defined**." (Para. 0026, line 13 et seq., emphasis added.)

Although Brenner speaks to the ability to "synchronize" the lighting effects with audio playback (Para. 0025) or coordinating lighting effects with audible sounds (Para. 0021), what Brenner does not disclose is that such synchronization or coordination is the result of a single MIDI event or music data sequence as is the situation in Applicant's claimed subject matter. Rather, what Brenner does say is that because "MIDI can support the playback of multiple instruments simultaneously, both the playback of sounds and lighting patterns can be simultaneously supported. (Para. 0031, lines 5-9). All that this represents therefore, is that different commands can be simultaneously interpreted, and not that a single command will control both the playback of sounds and lighting patterns as is explicitly recited in the claims. Brenner still requires two separate MIDI events, one with a command including an instrument definition associated with a light grouping, and another without, in order to achieve the same result that Applicant's claimed subject matter does. Thus, Applicant's claimed subject matter provides benefits and

advantages not heretofore seen in the art, and which are not obvious in view of Brenner's disclosure.

As an example, in Brenner, in order to control the illumination of lights corresponding to a drum set, a separate instrument definition must be assigned to the light grouping associated with the drum set. (Para. 0038). Thus, when a command to control the illumination of lights associated with the drum set is received, the command corresponds to the instrument definition for the light grouping associated with the drum set.

Applicant's claimed subject matter also relates to the activation of lights in a mobile terminal with information in music data files, such as SP-MIDI files. The music data files contain "note events" and "light configuration" messages. The "note events" instruct the terminal to play a note of a particular instrument (Note-On, Note-Off). The light configuration message maps the activation, position, color and intensity to the note event. (Abstract).

However, unlike Brenner, where an instrument definition must be created for each light grouping, what Applicant's claimed subject matter does not do and does not rely on, is an instrument definition that is assigned to a light grouping. Rather, in Applicant's claimed subject matter, the music data includes a first type message and a second type message. The first type message includes the information for notes to be played (audio) and the second type message maps the activation of the lights to the first type message (note-on/off commands). Thus, in Applicant's claimed subject matter, the information in the second type message is used to activate the lights based on information in the first type message. However, as noted above, in Brenner, the instrument definitions used for lighting cannot be "otherwise used or defined."

Brenner does not map the activation of the lights to the notes in the first type messages as in Applicant's claimed subject matter. Rather, in Brenner, there must be two separate commands. One command for controlling the available output (steps 420, 425 of FIG. 4), and another command for controlling the illumination of the one or more light

sources (steps 420, 430 of FIG. 4). However, in Applicant's claimed subject matter, there is a single music data sequence, with one part for the note events and the other part that maps the activation of the lights to the notes in the first part.

Referring to the drum example used above, in Applicant's claimed subject matter, the drum set will be heard as a drum set based on the information in the first type message. The activation of the lights associated with the drum set will be controlled by the information in the second type message, which is mapped to the first type message. The mapping information in the second type message includes the location of the lights, the color of the lights and the intensity of the lights. There is no need in Applicant's claimed subject matter for a separate command directed to a separate instrument definition to control the illumination of lights, as is the case in Brenner.

The Examiner states that Brenner discloses the "processor configured by the information in the second type messages to activate lights based on the information contained in the first type messages (via elements 306 and 324, fig. 3)." This is respectfully traversed. Element 306 is an "Interface." The "interface circuitry 306" is used in Brenner to convey the particular radio frequency determined by the microprocessor 302 to the frequency synthesizer 304. (Para. 0033, lines 7-11). The "interface circuitry 306" also decodes and couple to the microprocessor 302 data signals received by the receiver 308. (Para. 0033, lines 11-13). The data signals to be transmitted by the transmitter 310 are formatted by the interface circuitry 306. (Para. 0033, lines 13-17).

Element 324 is an "audio processor." (Para. 0034, lines 1-2.) The user audio is controlled by the audio processing circuitry 324. (Para. 0036, lines 1-4). Although Brenner discloses that at least some of the lighting sources L1-LN, associated with the light groupings are controlled by the audio processing circuitry 324, there is no disclosure in Brenner that the "interface circuitry 306" and the "audio processor 324" are configured by information in a second type message to activate "lights" based on information in first type messages, as is recited by Applicant in the claims. Except for

the disclosure that at least some of the lighting sources L1-LN, associated with the light groupings are controlled by the audio processing circuitry 324, there is no explicit disclosure in Brenner as to how this may occur. Rather, what Brenner does disclose is that a command is received and it is determined whether the command is associated with an instrument definition for a light grouping. While the command may be an audio format file that incorporates lighting control commands, (Para. 0035, lines 10-11), the command must be directed to an "instrument definition" that is associated with a "light grouping." This is not the same as what is recited by Applicant in the claims, where the only instrument definition is for the note to be played. A portion of the same message that includes the instrument definition for the note to be played, also maps light configuration data to the notes, which controls the illumination of the lights. Thus, while Brenner requires two separate commands, one with the instrument definition for the note to be played and another instrument definition for the light grouping, Applicant's claimed subject matter does not. Rather, in Applicant's claimed subject matter, a single sequence comprises both the note events **and** the light configuration message, where the light configuration message maps the location of the lights to be activated to the notes in the note events. (See e.g. Para. 0077) of Applicant's specification as originally filed.

It is also submitted that Brenner does not disclose or suggest a music data sequence that includes "light configuration messages" mapping locations of lights to be activated to the notes in the note events as is recited by Applicant in the claims. Brenner explicitly states the audio format file includes definitions for one or more instruments that are associated with one or more light groupings. (See e.g. Abstract). The first step recited by Brenner is assigning an instrument definition to each of one or more light groupings. (See e.g. FIG. 4, ref. 405). The received commands are then examined to see if the command is associated with an instrument definition of the one or more light groupings. Thus, Brenner does not need to provide mapping instructions between the instruments and lights, as is the case in the "light configuration message" claimed by

Applicant, because the "command" in Brenner is already associated with an "instrument definition."

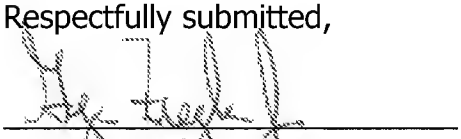
The Examiner's statement in the Advisory Action mailed 28 July 2009 that "Brenner defines instruments that are used to show light **and** produce audible sounds (e.g., see elements 420, 430) does not accurately portray Applicant's intended argument. The point that is being made is that Brenner defines "different" instruments, one for showing light and another for producing audible sounds. Brenner does not use or define the same instrument to both show light and produce audible sounds. As noted in Brenner, at least one bank, bank 7A, is associated with lighting groups. Bank 7A does not interfere with the standard instrument definitions. (Para. 0026, lines 4-6), and instrument definitions which are used for light are not otherwise used or defined. (Para. 0026, lines 13-18). That is why Brenner teaches determining if an "instrument definition" corresponds to an instrument for audio playback **or** an instrument associated with a light groupings. (Para. 0039, lines 3-12). There is no disclosure in Brenner related to an "instrument definition" that corresponds to both an instrument for audio playback and an instrument associated with a light groupings. Brenner clearly discloses two separate events or sequences and has no need for a music data sequence that includes "light configuration messages" mapping locations of lights to be activated to the notes in the note events as is recited by Applicant in the claims.

Thus, since each and every element recited by Applicant in the claims is not explicitly taught by Brenner, the claims cannot be anticipated.

4. Claims 14, 17-19, 26, 33, 36, 39-44 and 52 are not unpatentable over Brenner under 35 USC §103(a) at least by reason of their respective dependencies.

Therefore, in view of the foregoing, it is respectfully submitted that the claims are in a condition for allowance.

Respectfully submitted,



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